



Attorney Docket No.: S1022.81003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benoît PERON  
Serial No: 10/603,220  
Filed: June 25, 2003  
For: CONTROL OF A THYRISTOR OF A RECTIFYING BRIDGE

Examiner: Kenneth B. Wells  
Art Unit: 2816

Confirmation No. 4400

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith for filing is/are the following document(s):

- ☒ Petition to Withdraw the Holding of Abandonment
- ☒ Copy of the Notice of Abandonment
- ☒ Copy of RCE Trans /Fee Calculation Sheet/Amend /Cancelled check
- ☒ Copy of the Return Receipt Postcard (date-stamped)
- ☒ Return Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)646-8000, Boston, Massachusetts.

No check is enclosed. If it is determined that a fee is necessary, the fee may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 28, 2005.

Attorney Docket No.: S1022.81003US00  
X03/14/05

Respectfully submitted,

*Benoît Peron, Applicant*

By:   
James H. Morris  
Reg. No.: 34,681  
WOLF, GREENFIELD & SACKS, P.C.  
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IFW

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Alexandria, VA 22313-1450

**PETITION TO WITHDRAW THE HOLDING OF  
ABANDONMENT BASED ON APPLICANT'S TIMELY FILED REPLY**

Sir/Madam:

Applicant respectfully requests that the Holding of Abandonment for the above-identified application be withdrawn. This Request for Withdrawal of Notice of Abandonment is responsive to the Notice of Abandonment mailed from the Patent Office on February 14, 2005. The Notice indicates that the application is abandoned in view of Applicant's failure to timely pay the required issue fee and publication fee due July 6, 2004.

The Notice of Abandonment is clearly improper, and withdrawal is respectfully requested. On July 1, 2004, Applicant mailed to the Patent and Trademark Office a Request for Continued Examination (RCE), an Amendment, a Transmittal Letter and a check in the amount of \$1,626.00 (to cover additional claims fee). These papers were filed using the Certificate of Mailing procedure under 37 CFR §1.8(a). Each paper bears a Certificate of Mailing dated July 1, 2004. Copies of the documents filed are enclosed.

The documents mailed July 1, 2004 were accompanied by a return postcard. The postcard was date-stamped by the Mail Room in the Patent and Trademark Office on July 6, 2004, thereby confirming receipt of the above documents by the Patent and Trademark Office on that date. A copy of the date-stamped return postcard is also enclosed. The RCE, Amendment and fee constituted a complete response to the Notice of Allowance and Fee(s) Due.

The Notice of Abandonment is clearly the result of error on the part of the Office. Accordingly, prompt withdrawal of the Notice of Abandonment and continuation of prosecution are respectfully requested.

**Applicable Rules and Procedures**

MPEP § 711.03(c) sets forth the requirements for a Petition to Withdraw Holding of Abandonment based on the failure to reply within period. MPEP § 711.03(c) states in part that:

"Where an applicant contends that the application is not in fact abandoned (e.g., there is a disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. "

The Holding of Abandonment Should be Withdrawn

Applicant has complied with the requirements for making a successful petition to withdraw the holding of abandonment. In particular, Applicant has provided (1) a copy of the RCE transmittal, and amendment filed on July 1, 2004 and, (2) a copy of the date-stamped return receipt postcard indicating the RCE and amendment were received in the Patent Office on July 6, 2004.

Therefore, in accordance with MPEP § 711.03(c), Applicant has provided a showing required to establish the RCE and Amendment filed on July 1, 2004 were timely filed and was received by the Patent Office. Thus, the Petition to Withdraw the Holding of Abandonment should be granted.

If it is determined, after reviewing the petition, that this petition should not be granted for some reason, the Petitions Office is respectfully requested to call Applicants' representative at the number listed below. It is assumed, based upon the above facts, that a Petition for Withdrawal of Notice of Abandonment and the associated fee are not required, since the application was never abandoned.

No check is enclosed. If it is determined that a fee is necessary, the fee may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on March 22, 2004.



Attorney Docket No.: S1022.81003US00  
X04/09/04

Respectfully submitted,

*Benoît Peron, Applicant*

By: 

James H. Morris  
Reg. No.: 34,681

WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel. (617) 646-8000



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,220	06/25/2003	Benoit Peron	S01022.81003	4400

23628 7590 02/14/2005

WOLF GREENFIELD & SACKS, PC  
FEDERAL RESERVE PLAZA  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2211



EXAMINER

WELLS, KENNETH B

ART UNIT PAPER NUMBER

2816

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

S1022.81003 US00

Confirmation	<input type="checkbox"/>	Initials
Docketing	<input checked="" type="checkbox"/>	LEA
03/14/05		

LEA

DOCKETED  
FEB 23 2005



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/603220



EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# **Attachment to Notice of Abandonment**

**For questions concerning the notice contact  
Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

## **Respond to the Notice of Abandonment by one of the following:**

### **1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

### **2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

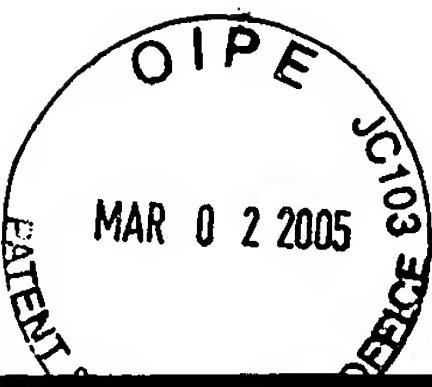
### **3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



DOCKET NO. S1022.81003US00

**REQUEST FOR CONTINUED  
EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/603,220
Confirmation Number	4400
Filing Date	June 25, 2003
First Named Inventor	Benoit Peron
Group Art Unit	2816
Examiner Name	Kenneth B. Wells

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, you may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) instead of an RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on .  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .

b. Enclosed is/are:

- i. ☒ Preliminary Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Fee Calculation Sheet

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months) and the Fee of **\$130.00** under 37 C.F.R. § 1.17(i) is enclosed.
- b. ☐ Other:

3. Fees - The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

- a. ☒ Enclosed is a check in the amount of \$1626.00 which covers:
  - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☒ Other: additional claims fee

4. If the filing of this RCE necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time.

5. If there is no check enclosed, or if the amount of the enclosed check in this RCE is incorrect, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.

## 6. CORRESPONDENCE ADDRESS

Correspondence address below

CUSTOMER NUMBER:  
23628

## 7. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME

James H. Morris, Reg. No. 34,681

SIGNATURE

July 1, 2004

DATE

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to **MAIL STOP RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 1<sup>st</sup> day of July, 2004.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benoit Peron  
 Serial No: 10/603,220  
 Confirmation. No.: 4400  
 Filed: June 25, 2003  
 For: CONTROL OF A THYRISTOR OF A RECTIFYING BRIDGE  
 Examiner: Kenneth B. Wells  
 Art Unit: 2816

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 1<sup>st</sup> day of July, 2004.

*Irish McDonald*  
Signature

**Mail Stop RCE**  
 Commissioner For Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

FEE CALCULATION SHEET

Sir:

The fee has been calculated as shown below:

## CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addl. Fee
TOTAL CLAIMS	58 -	20 =	38 X	\$ 18.00 =	\$ 684.00
INDEP. CLAIMS	5 -	3 =	2 X	\$ 86.00 =	\$ 172.00
MULTIPLE DEPENDENT CLAIM				=	\$
PETITION FOR MONTH EXTENSION OF TIME				=	\$
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>				= \$	<b>856.00</b>

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

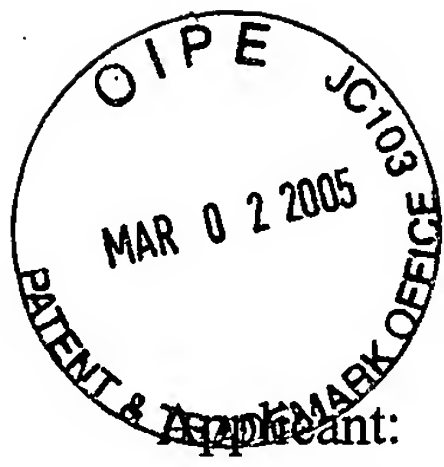
The enclosed check covers the RCE fee as well as the \$856.00 additional claims fee. If any further fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Benoit Peron, Applicant*

By: 

James H. Morris, Reg. No.: 34,681  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617)720-3500

Docket No. S1022.81003US00  
Date: July 1, 2004  
x07/06/04x



DOCKET NO: S1022.81003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Benoit Peron  
Serial No: 10/603,220  
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Examiner: Kenneth B. Wells  
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The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 1<sup>st</sup> day of July, 2004.

  
Signature

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**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

Sir:

Please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this amendment.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 4 of this amendment.

**Remarks** begin on page 12 of this amendment.

**In the Specification**

Applicant presents replacement paragraphs below indicating the changes with insertions indicated by underlining and deletions indicated by strikeouts and/or double bracketing.

Please replace the paragraph beginning at page 2, line 29 with the amended paragraph/line as follows:

Fig. 3 illustrates, in a timing diagram, a second conventional example of control of thyristors of a composite bridge. In this case, the control is a pulse control. Control circuit ~~[[9]]~~ 7 provides, permanently, a pulse train (illustrated in Fig. 3) having a pulsewidth provided to ensure a sufficient conduction (a current greater than the thyristor latching current) before the pulse disappears. Referring to the example of Fig. 2, that is, in a first halfwave of rectified A.C. voltage  $V_{inr}$  where a crossing of curves  $V_{out}$  and  $V_{inr}$  occurs again at a time  $t_1$ , the triggering (closing of thyristor TH1 or TH2) is not necessarily instantaneous. In the example shown, time  $t_1$  is subsequent to a pulse and the beginning of the next current pulse  $Imp_1$  must thus be awaited to trigger the thyristor closing. As in Fig. 2, the second halfwave of curve  $V_{inr}$  illustrates the case of an increase in the load supplied by the rectifying bridge. Here again, pulse  $Imp_2$  triggering the closing of one of the thyristors may be subsequent to time  $t_2$ . The maximum interval between the time when curves  $V_{out}$  and  $V_{inr}$  cross and the thyristor closing is conditioned by the pulse frequency.

Please replace the paragraph beginning at page 8, line 11 with the amended paragraph/line as follows:

This turning-on of switch K causes the triggering of thyristor TH by the flowing of a gate current provided by current source 10. As soon as current I running through thyristor TH (Fig. 5D) becomes ~~smaller~~ greater than the threshold set by voltage reference  $V_{ref2}$ , the output of comparator 131 switches and provides a high state at the reset input (Fig. 5E) of flip-flop 11 (time  $t_3$ ). This state switching resets output signal O of flip-flop 11 and accordingly turns off switch K.

Please replace the paragraph beginning at page 9, line 26 with the amended paragraph/line as follows:

According to an alternative embodiment not shown, comparator ~~[[21]]~~ 121 (or flip-flop 11) may be used to apply an external control signal (for example, a start-up signal). For example, input S of the flip-flop may receive a logic combination (for example, by an AND gate) of the output of comparator 121 and of an external start-up logic signal.

**In the Claims**

Applicant has submitted an amended claim set showing amended claims with insertions indicated by underlining and deletions indicated by strikeouts and/or double bracketing.

Please amend claims 6 and 8 as noted below.

Please add new claims 12-58 as shown below.

1. (Previously Presented) A method for controlling at least one thyristor constitutive of a rectifying bridge with a filtered output, comprising:  
closing the thyristor when the voltage thereacross becomes greater than zero; and  
making the gate current of the thyristor disappear when the current therein exceeds its latching current.
2. (Previously Presented) The method of claim 1, wherein the voltage across the thyristor is measured by a unidirectional resistive rectifying bridge.
3. (Previously Presented) The method of claim 1, wherein the latching current in the thyristor is detected by measuring the voltage thereacross.
4. (Previously Presented) A circuit for controlling at least one thyristor constitutive of a rectifying bridge with a filtered output, comprising:  
a first comparator for controlling a circuit providing a gate current to the thyristor, said comparator detecting that the voltage across the thyristor becomes positive; and  
an element for inhibiting the gate current circuit as soon as a current in the thyristor is greater than its latching current.
5. (Previously Presented) The circuit of claim 4, wherein said first comparator comprises a first input which receives the midpoint of a resistive dividing bridge having its terminals connected, via a diode, to the terminals of the thyristor, and a second input which receives a first reference voltage.



6. (Currently Amended) The circuit of claim 4, wherein said first comparator comprises a first bipolar transistor, the base-emitter voltage drop of which conditions said a first reference voltage.

7. (Previously Presented) The circuit of claim 4, wherein the gate current circuit is formed of a constant current source controlled by a switch connected to the gate of the thyristor.

8. (Currently Amended) The circuit of claim 7, wherein said first comparator comprises a first bipolar transistor, the base-emitter voltage drop of which conditions said a first reference voltage, and wherein the gate current circuit comprises a second bipolar transistor having its base connected to the collector of the first transistor, the emitter of the second transistor being connected to a terminal of application of a D.C. supply voltage via a resistor and its base being connected to this D.C. supply voltage by two diodes in series.

9. (Previously Presented) The circuit of claim 5, comprising:  
a second comparator having an input receiving a voltage proportional to the current in the thyristor and a second input receiving a second reference voltage; and  
a flip-flop, the respective set and reset inputs of which receive the outputs of the first and second comparators, and the output of which is connected to a switch for providing a gate current to the thyristor.

10. (Previously Presented) The control circuit of claim 5, controlling several thyristors.

11. (Previously Presented) A controllable rectifying bridge comprising at least one thyristor, comprising the control circuit of claim 5.

12. (New) A circuit for controlling at least one thyristor of a rectifying bridge, the circuit comprising:

an element for inhibiting a gate current of the thyristor in response to a current in the

thyristor exceeding a latching current of the thyristor.

13. (New) The circuit of claim 12, wherein the element for inhibiting a gate current of the thyristor comprises a switch.

14. (New) The circuit of claim 12, further comprising:  
a current detector configured to detect the current in the thyristor.

15. (New) The circuit of claim 14, wherein the current detector has an input configured to receive the current in the thyristor and an output configured to produce a signal to control the element configured to inhibit a gate current of the thyristor.

16. (New) The circuit of claim 14, wherein the current detector comprises:  
a comparator having a non-inverting input configured to receive a voltage proportional to the current in the thyristor.

17. (New) The circuit of claim 16, wherein the comparator has an inverting input configured to receive a reference voltage.

18. (New) The circuit of claim 16, wherein the comparator has an output configured to produce a control signal to control the element configured to inhibit a gate current of the thyristor.

19. (New) The circuit of claim 12, further comprising:  
a voltage detector configured to detect a voltage across the thyristor.

20. (New) The circuit of claim 19, wherein the voltage detector comprises a unidirectional resistive rectifying bridge.

21. (New) The circuit of claim 19, further comprising:

a flip-flop configured to receive an output from the voltage detector and to send a control signal to the element configured to inhibit a gate current of the thyristor.

22. (New) The circuit of claim 21, further comprising:  
a current detector configured to detect the current in the thyristor.

23. (New) The circuit of claim 22, wherein the current detector is configured to send a reset signal to the flip-flop.

24. (New) The circuit of claim 19, wherein the voltage detector comprises:  
a transistor having a base terminal configured to receive a signal proportional to the voltage across the thyristor.

25. (New) The circuit of claim 24, wherein the voltage detector further comprises:  
a resistive bridge; and  
wherein the signal proportional to the voltage across the thyristor corresponds to a signal at a midpoint of the resistive bridge.

26. (New) The circuit of claim 24, wherein the transistor further comprises an emitter terminal connected to a cathode of the thyristor.

27. (New) The circuit of claim 24, further comprising:  
a resistor; and  
wherein the transistor has a collector terminal connected via the resistor to the element configured to inhibit a gate current of the thyristor.

28. (New) The circuit of claim 19, wherein the voltage detector comprises:  
a comparator configured to produce a control signal to control the element configured to inhibit a gate current of the thyristor.

29. (New) The circuit of claim 28, wherein the comparator comprises an input configured to receive a signal proportional to the voltage across the thyristor.

30. (New) The circuit of claim 29, wherein the voltage detector further comprises:  
a resistive bridge; and  
wherein the signal proportional to the voltage across the thyristor corresponds to a signal at a midpoint of the resistive bridge.

31. (New) The circuit of claim 28, wherein the comparator has an input configured to receive a reference voltage.

32. (New) The circuit of claim 31, wherein the reference voltage exceeds a value of a threshold voltage of the thyristor multiplied by a constant factor.

33. (New) The circuit of claim 32, wherein the constant factor depends upon a value of a resistor of a resistive bridge.

34. (New) The circuit of claim 12, further comprising:  
a current generator for generating the gate current.

35. (New) The circuit of claim 34, wherein the current generator comprises a voltage source connected to a resistor.

36. (New) The circuit of claim 34, wherein the current generator comprises:  
a transistor; and  
a voltage source;  
wherein a first terminal of the transistor is configured to receive a voltage signal from the voltage source.

37. (New) The circuit of claim 36, wherein the first terminal of the transistor is an

emitter terminal of the transistor.

38. (New) The circuit of claim 36, wherein a second terminal of the transistor is connected to the element configured to inhibit a gate current of the thyristor.

39. (New) The circuit of claim 38, wherein the second terminal is a collector terminal of the transistor.

40. (New) The circuit of claim 36, wherein the current generator further comprises a diode connected between the voltage source and a second terminal of the transistor.

41. (New) The circuit of claim 40, wherein the second terminal of the transistor is a base terminal of the transistor.

42. (New) A method of controlling at least one thyristor of a rectifying bridge, the method comprising:

inhibiting a gate current of the thyristor in response to a current in the thyristor exceeding a latching current of the thyristor.

43. (New) The method of claim 42, wherein inhibiting a gate current of the thyristor comprises resetting a flip-flop.

44. (New) The method of claim 42, further comprising:  
generating the gate current of the thyristor prior to inhibiting the gate current.

45. (New) The method of claim 42, further comprising:  
detecting a current in the thyristor.

46. (New) The method of claim 45, wherein the latching current is detected by measuring a voltage across the thyristor.

47. (New) The method of claim 42, further comprising:  
closing the thyristor in response to a voltage across the thyristor exceeding a threshold voltage.
48. (New) The method of claim 47, further comprising:  
detecting a voltage across the thyristor.
49. (New) The method of claim 48, wherein the detection of a voltage across the thyristor is performed using a unidirectional resistive rectifying bridge.
50. (New) The method of claim 47, wherein closing the thyristor comprises setting a flip-flop.
51. (New) The method of claim 47, further comprising:  
subsequent to closing the thyristor, allowing the current in the thyristor to flow if the current in the thyristor exceeds a holding current of the thyristor.
52. (New) The method of claim 47, wherein the threshold voltage is approximately zero.
53. (New) The method of claim 47, wherein the threshold voltage is proportional to a value of a resistor of a resistive bridge.
54. (New) The method of claim 53, wherein the threshold voltage is proportional to a sum of values of resistors of the resistive bridge.
55. (New) A circuit for controlling at least one thyristor of a rectifying bridge, the circuit comprising:  
a current generator for generating a gate current of the thyristor; and



means for inhibiting the gate current in response to a current in the thyristor exceeding a latching current of the thyristor.

56. (New) The circuit of claim 55, further comprising:  
means for detecting the current in the thyristor.

57. (New) The circuit of claim 55, further comprising:  
means for detecting a voltage across the thyristor.

58. (New) The circuit of claim 57, further comprising:  
means for closing the thyristor if the voltage across the thyristor exceeds a threshold voltage.

### REMARKS

Claims 1-11 were indicated as being allowable. By this amendment, new claims 12-58 have been added. As a result, claims 1-58 are pending for examination with claims 1, 4, 12, 42, and 55 being independent claims. No new matter has been added.

#### I. Claim Amendments

Applicant notes with appreciation the indicated allowability of claims 1-11. Claims 6 and 8 have been amended for the sole purpose of providing proper antecedent basis to the claim set.

#### II. Amendments to the Specification

The amendments to the specification have been made for the purpose of clarification. In particular, the amendments have been made to provide consistency between the written description and the figures.

#### III. New Claims

New claims 12-58 have been added.

Claim 12 is directed to a circuit for controlling at least one thyristor of a rectifying bridge. The circuit comprises an element for inhibiting a gate current of the thyristor in response to a current in the thyristor exceeding a latching current of the thyristor. Claim 12 is in condition for allowance since the art of record fails to teach the claimed element for inhibiting a gate current of the thyristor in response to a current in the thyristor exceeding a latching current of the thyristor.

Claims 13-41 depend from claim 12 and are allowable for at least the same reason.

Claim 42 recites a method of controlling at least one thyristor of a rectifying bridge. The method comprises inhibiting a gate current of the thyristor in response to a current in the thyristor exceeding a latching current of the thyristor. Claim 42 is in condition for allowance since the art of record fails to teach the claimed method, for example, inhibiting a gate current of the thyristor in response to a current in the thyristor exceeding a latching current of the thyristor.

Claims 43-54 depend from claim 42 and are allowable for at least the same reasons.

Claim 55 is directed to a circuit for controlling at least one thyristor of a rectifying bridge. The circuit comprises a current generator for generating a gate current of the thyristor, and means for inhibiting the gate current in response to a current in the thyristor exceeding a latching current of the thyristor. Claim 55 is in condition for allowance since the art of record fails to teach the claimed circuit. For example, the art of record at least fails to teach the claimed means for inhibiting the gate current in response to a current in the thyristor exceeding a latching current of the thyristor.

Claims 56-58 depend from claim 55 and are allowable for at least the same reasons.

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**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Benoit Peron, Applicant*

By: 

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**Docket No. S1022.81003US00**  
**Date: July 1, 2004**  
**x07/06/04**

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Serial No 10/603,220 File No. SI022.810034500 By: JHM/TAF: dvr  
Title: Control of A thyristor Bridge  
Application of Peron WGS Date: 7.6.04

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

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| <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)<br>Express Mail Label No. _____ | <input type="checkbox"/> Provisional Application Cover Sheet                                    |
| <input type="checkbox"/> Patent Application  | <input type="checkbox"/> Multiple Dependent Claim Fee Sheet                                     |
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| Incl. _____ pages, ( _____ pgs) Specification,   | <input type="checkbox"/> References Cited   |
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| <input type="checkbox"/> Drawings _____ Sheet(s) (FIGS. _____)                                 | <input type="checkbox"/> Petition for Ext. of Time (x2)   |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal                              | <input type="checkbox"/> Issue Fee Transmittal  |
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| <input checked="" type="checkbox"/> Fee calculation sheet (x2)                                 | <input type="checkbox"/> Notice of Appeal   |
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| <input type="checkbox"/> Verified Statement claiming small entity status                       | <input checked="" type="checkbox"/> Check for \$ <u>1626.<sup>00</sup></u> Check # <u>20099</u> |
| <input type="checkbox"/> Request for Approval and Entry of <u>Final</u> Drawings               | <input checked="" type="checkbox"/> Transmittal Letter (x2)                                     |
|  | <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)                        |
| <input checked="" type="checkbox"/> Other <u>Request For Continued Examination (RCE)</u>       |   |

DATE MAILED

July 1, 2004



reply to avoid abandonment of the application. See MPEP § 706.07(h), paragraph VI.

\*>

(H) < Prior to payment of the issue fee, an allowed application may become abandoned if an RCE is improperly filed without the appropriate fee or a submission in the application. The improper RCE will not operate to toll the running of the time period for payment of the issue fee. See MPEP § 706.07(h), paragraph IX.

### **711.02(c) Termination of Proceedings**

“Termination of proceedings” is an expression found in 35 U.S.C. 120. As there stated, a second application is considered to be copending with an earlier application if it is filed before

(A) the patenting,

(B) the abandonment of, or

(C) termination of proceedings on the earlier application.

“Before” has consistently been interpreted, in this context, to mean “not later than.”

In each of the following situations, proceedings are terminated:

(A) When the issue fee is not paid and the application is abandoned for failure to pay the issue fee, proceedings are terminated as of the date the issue fee was due and the application is the same as if it were abandoned after midnight on that date (but if the issue fee is later accepted, on petition, the application is revived). See MPEP § 711.03(c).

(B) If an application is in interference wherein all the claims present in the application correspond to the counts and the application loses the interference as to all the claims, then proceedings on that application are terminated as of the date appeal or review by civil action was due if no appeal or civil action was filed.

(C) Proceedings are terminated in an application after decision by the Board of Patent Appeals and Interferences as explained in MPEP § 1214.06.

(D) Proceedings are terminated after a decision by the court as explained in MPEP § 1216.01.

### **711.03 Reconsideration of Holding of Abandonment; Revival**

When advised of the abandonment of his or her application, applicant may either ask for reconsideration of such holding, if he or she disagrees with it on the basis that there is no abandonment in fact; or petition for revival under 37 CFR 1.137.

#### **711.03(a) Holding Based on Insufficiency of Reply**

Applicant may deny that the reply was incomplete.

While the primary examiner has no authority to act upon an application in which no action by applicant was taken during the period for reply, he or she may reverse his or her holding as to whether or not an amendment received during such period was responsive and act on an application of such character which he or she has previously held abandoned. This is not a revival of an abandoned application but merely a holding that the application was never abandoned. See also MPEP § 714.03.

#### **711.03(b) Holding Based on Failure To Reply Within Period**

When an amendment reaches the U.S. Patent and Trademark Office after the expiration of the period for reply and there is no dispute as to the dates involved, no question of reconsideration of a holding of abandonment can be presented.

However, the examiner and the applicant may disagree as to the date on which the period for reply commenced to run or ends. In this situation, as in the situation involving sufficiency of reply, the applicant may take issue with the examiner and point out to him or her that his or her holding was erroneous.

#### **711.03(c) Petitions Relating to Abandonment [R-2]**

*37 CFR 1.135. Abandonment for failure to reply within time period.*

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may

require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a *bona fide* attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

**37 CFR 1.137. Revival of abandoned application, terminated reexamination proceeding, or lapsed patent.**

(a) *Unavoidable.* If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

\*\*>

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and<

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(b) *Unintentional.* If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(m);

\*\*>

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and<

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(c) *Reply.* In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(d) *Terminal disclaimer.*

(1) Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any petition to revive pursuant to this section in either a utility or plant application filed before June 8, 1995, must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of:

(i) The period of abandonment of the application; or

(ii) The period extending beyond twenty years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed.

(2) Any terminal disclaimer pursuant to paragraph (d)(1) of this section must also apply to any patent granted on a continuing utility or plant application filed before June 8, 1995, or a continuing design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought.

(3) The provisions of paragraph (d)(1) of this section do not apply to applications for which revival is sought solely for purposes of copendency with a utility or plant application filed on or after June 8, 1995, to lapsed patents, or to reexamination proceedings.

(e) *Request for reconsideration.* Any request for reconsideration or review of a decision refusing to revive an abandoned application, a terminated reexamination proceeding, or lapsed patent upon petition filed pursuant to this section, to be considered timely, must be filed within two months of the decision refusing to revive or within such time as set in the decision. Unless a decision indicates otherwise, this time period may be extended under:

(1) The provisions of § 1.136 for an abandoned application or lapsed patent;

(2) The provisions of § 1.550(c) for a terminated *ex parte* reexamination proceeding filed under § 1.510; or

(3) The provisions of § 1.956 for a terminated *inter partes* reexamination proceeding filed under § 1.913.

(f) *Abandonment for failure to notify the Office of a foreign filing:* A nonprovisional application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing, may be revived only pursuant to paragraph (b) of this section. The reply requirement of paragraph (c) of this section is met by the notification of such filing in a foreign country or under a multinational treaty, but the filing of a petition under this section will not operate to stay any period for reply that may be running against the application.

(g) *Provisional applications:* A provisional application, abandoned for failure to timely respond to an Office requirement, may be revived pursuant to this section. Subject to the provisions of 35 U.S.C. 119(e)(3) and § 1.7(b), a provisional application will

not be regarded as pending after twelve months from its filing date under any circumstances.

\*\*>

### 37 CFR 1.181. *Petition to the Director.*

(a) Petition may be taken to the Director:<

(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

\*\*>

(2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

(3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions in interferences, see § 1.644.<

\*\*\*\*\*

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

\*\*\*\*\*

## I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

\*\*>Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 CFR 1.137(a) based on unavoidable delay; and (2) a petition under 37 CFR 1.137(b) based on unintentional delay.

### A. *Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action*<

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. \*\*

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment.



Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

\*\*>

**B. *Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed***

37 CFR 1.10(c) through 1.10(e) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), or (e) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by

the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

**C. *Treatment of Untimely Petition To Withdraw Holding of Abandonment***

37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 CFR 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 CFR 1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

**1. *Design Applications, Utility Applications Filed Before June 8, 1995, and Plant Applications Filed Before June 8, 1995***

**(a) *Applicant Receives Notice of Abandonment***

In any design application, any utility application filed before June 8, 1995, or any plant application filed before June 8, 1995, if applicant receives a notice of abandonment, any petition to withdraw the holding of abandonment that is not filed within two months of the mail date of the notice of abandonment will **not** (absent extraordinary circumstances) be treated on its merits **unless** accompanied by a terminal disclaimer under 37 CFR 1.321(a), and the required fee set forth in 37 CFR 1.20(d). The period to be disclaimed is the terminal part of the term of any patent granted on the application, or of any patent granted on any utility or plant application that claims the benefit of the filing date of the application under

35 U.S.C. 120, 121, or 365(c), equivalent to the period between:

(A) the date that is two months after the mail date of the notice of abandonment; and

(B) the filing date of a grantable petition to withdraw the holding of abandonment.

Form PTO/SB/62 is the appropriate terminal disclaimer to be used.

**(b) Applicant Does Not Receive Notice of Abandonment**

In any design application, any utility application filed before June 8, 1995, or any plant application filed before June 8, 1995, if applicant never receives the notice of abandonment, any petition to withdraw the holding of abandonment that is not filed within twelve months from the date of applicant's filing (or date of submission, if the correspondence was never received by the Office) of correspondence with the Office for which further action by the Office can reasonably be expected, will **not** (absent extraordinary circumstances) be treated on its merit **unless** accompanied by a terminal disclaimer under 37 CFR 1.321(a), and the required fee set forth in 37 CFR 1.20(d). The period to be disclaimed is the terminal part of the term of any patent granted thereon, or of any patent granted on any utility or plant application that claims the benefit of the filing date of the application under 35 U.S.C. 120, 121, or 365(c), equivalent to the period between:

(A) the date that is twelve months from the date of applicant's filing or submission of correspondence with the Office, for which further action by the Office can reasonably be expected; and

(B) the filing date of a grantable petition to withdraw the holding of abandonment.

Form PTO/SB/62 is the appropriate terminal disclaimer to be used.

**2. Utility and Plant Applications Filed on or After June 8, 1995 but Before May 29, 2000**

In utility and plant applications filed on or after June 8, 1995, but before May 29, 2000, a terminal dis-

claimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. However, the Office of Patent Legal Administration (OPLA) must be consulted in such situations if the holding of abandonment involves a period during: (A) appellate review by the Board of Patent Appeals and Interferences; (B) an interference proceeding under 35 U.S.C. 135(a), including any suspension due to an interference proceeding; or (C) which the application was in a sealed condition or prosecution was suspended due to a secrecy order under 35 U.S.C. 181. This is because it is necessary to effect (if appropriate) a reduction of patent term extension under the "due diligence" provisions of 37 CFR 1.701(d)(2).

**3. Utility and Plant Applications Filed on or After May 29, 2000**

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 CFR 1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 CFR 1.704(a) by a period equal to the period of time during which the applicant "failed to engage in reasonable efforts to conclude prosecution" (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 CFR 1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 CFR 1.137(a) or (b) (discussed below).